

Message Text

CONFIDENTIAL

PAGE 01 BERN 00531 101314Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----101324Z 124083 /50

P R 101230Z FEB 77
FM AMEMBASSY BERN
TO SECSTATE WASHDC PRIORITY 3877
INFO AMEMBASSY BONN

C O N F I D E N T I A L BERN 531

EXDIS

EO 11652: GDS
TAGS: SZ GW PINS
SUBJ: REQUEST BY DEFENDANT IN HAMBURG TRIAL THAT AMB DAVIS
BE CALLED AS A WITNESS ON CLANDESTINE TRANSFERS OF CURRENCY
AND/OR MATERIAL TO PRO-WEST FACTIONS IN ANGOLA

1. GERMAN EMBASSY POLITICAL COUNSELOR EITEL CALLED ON
THE AMB ON FEB 8 TO CONVEY, INFORMALLY, A
REQUEST THE GERMAN EMBASSY HAD RECEIVED FOR INFO
IN CONNECTION WITH A CASE BEING TRIED IN HAMBURG. THE
DEFENDANT, HANS-JURGEN ARTHUR MARTIN ENGLER, IS SEEKING
TO CALL AMB DAVIS AS A WITNESS. THE TEXT OF THE
REQUEST, ADDRESSED TO THE GERMAN AMB, IS AS
FOLLOWS: (EMBASSY TRANSLATION)

QUOTE: THE HAMBURG SUPERIOR COURT, CRIMINAL DIVISION 18,
HAS BEEN TRYING SINCE NOV 16, 1976, A MAJOR ECONOMIC
CRIMINAL CASE AGAINST HANS-JURGEN ARTUR MARTIN ENGLER,
BORN NOV 9, 1936, IN RECKLINGHAUSEN, LATELY
RESIDING AT KARLSTRASSE 38, HAMBURG 76 AND OTHER
DEFENDANTS. IN THE MAIN TRIAL, ENGLER HAS
SOUGHT, AMONG OTHER EVIDENCE SUBMITTED, TO CALL AS A
WITNESS: MR NATANIEL DAVIS, CURRENTLY AMB
OF THE USA IN BERN. THE WITNESS COULD TESTIFY THAT IN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BERN 00531 101314Z

MAY/JUNE 1975, AS ASSISTANT SECRETARY OF STATE FOR
AFRICAN AFFAIRS IN THE DEPT OF STATE, WASHINGTON,
DC, US, HE ISSUED INSTRUCTIONS TO OBTAIN, BY MEANS
OF A LETTER OF CREDIT WITH THE NETHERLANDS BANK, JOHANNESBURG,
SOUTH AFRICA, WEAPONS, JEEPS, AND MEDICAL SUPPLIES FOR
AN ARMY OF LIBERATION IN AFRICA (FNLA-LEADER DR HOLDEN
ROBERTO AND UNITA-LEADER DR JONAS SAVIMBI) AND THAT

THIS LETTER OF CREDIT WAS AT ENGLER'S DISPOSAL FOR THE MAKING OF PURCHASES.

THE COURT MUST EXAMINE THE OFFERING OF EVIDENCE. ISSUANCE OF AN IMMEDIATE SUMMONS (CITATION, SUBPOENA), IN THE EVENT IT COULD NOT BE ENFORCED, WOULD INVOLVE CONSIDERABLE EXPENDITURE OF TIME AND MONEY THAT MIGHT BE AVOIDED. I THEREFORE REQUEST THAT YOU INQUIRE THERE BEFOREHAND WHETHER AMB DAVIS WOULD BE ABLE TO OFFER ANY TESTIMONY CONCERNING THESE ALLEGATIONS. DOES HE KNOW ENGLER? IS THERE (WAS THERE?) ANY CORRESPONDENCE OR TRANSFER OF MONEY? IS AMB DAVIS PREPARED TO OFFER A WRITTEN DEPOSITION CONCERNING THE MATTER AND, IF SO (OR, IF NEED ARISES), TO REPEAT HIS TESTIMONY BEFORE A JUDGE IN BERN? WAS ENGLER ABLE TO MAKE USE OF THE LETTER OF CREDIT ENTIRELY OR IN PART FOR HIS OWN PURPOSES;

I SHOULD LIKE TO ASK, INCIDENTALLY, THAT YOU INFORM THE WITNESS THAT HIS TESTIMONY CAN BE OF CONSIDERABLE SIGNIFICANCE TO THE OUTCOME OF THESE PROCEEDINGS.

I ASK YOUR KIND UNDERSTANDING OF THIS REQUEST. IN VIEW OF THE LIMITED PERIOD OF TIME AVAILABLE TO THE COURT, I CONSIDER IT ESSENTIAL TO MAKE SUCH AN INQUIRY BEFORE ISSUING AN (OFFICIAL) REQUEST FOR LEGAL ASSISTANCE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BERN 00531 101314Z

THE COURT MUST CONCLUDE THE MAIN TRIAL IN THE NEXT FEW WEEKS. I THEREFORE REQUEST THAT YOU KINDLY CONDUCT THE REQUESTED INQUIRY AT ONCE AND INFORM THE DIVISION OF THE RESULTS AS SOON AS POSSIBLE. ENCLOSURES: 4 PHOTOGRAPHS OF ENGLER. WITH HIGHEST CONSIDERATION (SIGNATURE) (DR GLAGE), PRESIDING JUDGE, SUPERIOR COURT. UNQUOTE

2. THE PHOTOS MENTIONED IN THE LETTER HAVE BEEN SENT BY INTERNATIONAL AIR MAIL TO EUR/CE.

3. THE AMB TOLD EITEL THAT HE HAS NO RECOLLECTION OF EVER HAVING MET ENGLER AND IN ANY CASE HAD NOTHING TO DO WITH ANY TRANSACTION SUCH AS THAT DESCRIBED. THIS WAS, HOWEVER, A PERSONAL STATEMENT FOR EITEL'S OWN INFO AND NOT AN OFFICIAL RESPONSE SUITABLE FOR COURT USE. THE AMB UNDERTOOK TO OBTAIN INSTRUCTIONS FROM THE DEPT. EITEL SAID IT SEEMED POSSIBLE THAT THIS INFORMAL REQUEST MIGHT

BE FOLLOWED BY AN OFFICIAL REQUEST FOR JUDICIAL ASSISTANCE. HE ALSO SAID THAT THE AMOUNT OF MONEY INVOLVED, NOT STATED IN THE LETTER FROM THE JUDGE, IS 18 MILLION DM (ABOUT \$7.4 MILLION).

4. ACTION REQUESTED AND AMB'S COMMENT: PLEASE PROVIDE US WITH THE BASIS FOR A RESPONSE TO THIS REQUEST. I AM OF COURSE PREPARED TO RESPOND TO THE GERMAN AUTHORITIES AND GIVE A DEPOSITION IF THIS IS THE DEPTS DESIRE. I WOULD IN THAT CASE FORMALLY AFFIRM WHAT I INDICATED TO EITEL INFORMALLY. THE DEPT WILL WISH TO CONSIDER THE POSSIBILITY WHETHER A FORMAL SET OF QUESTIONS FOR A DEPOSITION WOULD ASK ESSENTIALLY WHAT IS ASKED BY THE HAMBURG PRESIDING JUDGE OR SEEK TO PROBE US POLICY TOWARD ANGOLA AT THAT TIME. IN THIS CONNECTION IT IS WORTH NOTING THAT THE TIME FRAME ALLEGED WAS MAY/JUNE 1975.
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BERN 00531 101314Z

DAVIS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY ASSISTANCE, TRIALS, COURT PROCEEDINGS, LIBERATION FRONTS, AMBASSADORS
Control Number: n/a
Copy: SINGLE
Sent Date: 10-Feb-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BERN00531
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770048-0027
Format: TEL
From: BERN
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770256/aaaabwyf.tel
Line Count: 140
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 3c5f74c8-c288-dd11-92da-001cc4696bcc
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3358237
Secure: OPEN
Status: NATIVE
Subject: REQUEST BY DEFENDANT IN HAMBURG TRIAL THAT AMB DAVIS BE CALLED AS A WITNESS ON CLANDESTINE TRANSFERS OF CURRENCY AND/OR MATERIAL TO PRO-WEST FACTION S IN ANGOLA
TAGS: PINS, SZ, GE, AO, (DAVIS, NATHANIEL), (ENGLER, HANS-JURGEN ARTHUR MARTIN)
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/3c5f74c8-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009